

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ALBANY DIVISION

THE UNITED STATES OF AMERICA : Case No. 1:07-CR-18 (RLH/WLS)  
v. :  
: January 23, 2008  
: Albany, Georgia  
FRANK RUSSELL MCCOY, :  
DEFENDANT. :

**INITIAL APPEARANCE/ARRAIGNMENT/DETENTION HEARING**

BEFORE THE HONORABLE RICHARD L. HODGE  
UNITED STATES MAGISTRATE JUDGE, PRESIDING

## APPEARANCES:

FOR THE GOVERNMENT: JAMES N. CRANE  
U.S. ATTORNEY'S OFFICE  
201 WEST BROAD AVE  
ALBANY, GA 31701

FOR THE DEFENDANT: STEPHEN R. GLASSROTH  
FEDERAL DEFENDERS OFFICE  
440 MLK, JR BLVD STE 400  
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## PROCEEDINGS

January 23, 2008

11 | THE DEFENDANT: Yes, sir.

14 | THE DEFENDANT: Yes, sir.

22 You need to be aware of the fact, sir, that this  
23 proceeding is being recorded and a tape is running and a  
24 record is being made of everything that is said here today,  
25 and for that reason you should make no incriminating

1 statements. I'm not going to ask you anything that would  
2 incriminate you, but you should certainly not blurt out  
3 anything that might incriminate you.

4 You, of course, have the right to be represented by  
5 counsel, and I know that when you appeared initially in the  
6 District of Minnesota you were represented there by the  
7 office of the public federal defender or the federal public  
8 defender, and based on that information we have appointed the  
9 public defender's office that serves here in the Middle  
10 District of Georgia to represent you in this matter. Mr.  
11 Glassroth, are you just appearing for Mr. Jarrard today?

12 **MR. GLASSROTH:** No, Your Honor, I am actually going  
13 to be counsel of record in this. Mr. Jarrard will be my  
14 second chair.

15 **THE COURT:** So Mr. Glassroth, who you met today for  
16 the first time, will be your attorney in this matter.  
17 Usually by the time people appear, especially when you've  
18 already had an initial appearance in your home district, you  
19 are already aware of what you've been charged with. We are  
20 required, however, to state the charges to you at the initial  
21 appearance and advise you of the maximum fines and sentences,  
22 and I'm going to ask the Assistant United States Attorney,  
23 Mr. Crane, if he would so advise you at this time.

24 **MR. CRANE:** Yes, Your Honor. The Defendant Frank  
25 Russell McCoy is charged in a one-count indictment with

1 transportation of obscene matters. This is a violation of  
2 Title 18 United States Code, Section 1462. This calls for a  
3 maximum term of imprisonment of five years, up to three years  
4 of supervised release, a \$250,000 maximum possible fine, and  
5 a \$100 mandatory assessment.

6 **THE COURT:** Thank you, Mr. Crane. Mr. McCoy, I am  
7 certainly not asking you if you did that. I am asking you  
8 only if you understand what you have been charged with here  
9 in the Middle District of Georgia?

10 **THE DEFENDANT:** Yes, sir, I do.

11 **THE COURT:** Okay. And have you been provided with  
12 a copy of the indictment in this case that has been returned  
13 against you?

14 **THE DEFENDANT:** Yes, sir, I have one here.

15 **THE COURT:** Okay. I don't know if this was  
16 explained to you in Minnesota or not, but the fact that you  
17 have been indicted, sir, means that a federal grand jury  
18 seated here in the Middle District of Georgia has heard some  
19 of the evidence that the office of the United States Attorney  
20 maintains that it has against you, and when they heard that  
21 evidence it was their finding that there was enough probable  
22 cause to believe that you committed this offense and that you  
23 should therefore be formally charged or indicted and then  
24 prosecuted for this offense. Because probable cause has  
25 already been found to exist in this case, there will not be a

1 preliminary examination or a probable cause hearing. Do you  
2 understand that?

3                   **THE DEFENDANT:** Yes, sir. I met here with the  
4 grand jury.

5                   **THE COURT:** Okay. All right. I think we've pretty  
6 much completed the requirements with regard to the initial  
7 appearance. I am assuming given the difficulty, the problem  
8 of what we had to do to get Mr. McCoy down here, I'm assuming  
9 that we are going to arraign him while he is present in the  
10 district?

11                   **MR. GLASSROTH:** That is true, Your Honor. We would  
12 like to get that out of the way.

13                   **THE COURT:** Does he wish -- I mean, Mr. Crane has  
14 already stated the charges to him, does he wish to have a  
15 formal reading of the indictment?

16                   **MR. GLASSROTH:** No, Your Honor. We've been over  
17 the charge, and I'm confident that he understands the nature  
18 of the offense and what he's charged with.

19                   **THE COURT:** Okay. And you are prepared at this  
20 time, I take it, to enter your plea of not guilty of those  
21 charges?

22                   **THE DEFENDANT:** Yes, sir.

23                   **MR. GLASSROTH:** Your Honor, he has executed the  
24 plea form, and we have provided Mr. Crane with the executed  
25 form entering his plea of not guilty.

1                   **THE COURT:** And for the record, what is the limits  
2 of the estimated guidelines?

3                   **MR. GLASSROTH:** The range is 33 to 41 months, Your  
4 Honor.

5                   **THE COURT:** Mr. Glassroth, I would like to get your  
6 client to acknowledge receipt of the notice of that. It's  
7 not an agreement, but just notice of receipt of it.

8                   **MR. GLASSROTH:** Your Honor, I'm going to get him a  
9 copy of this once we've executed the court's copy. I'm  
10 handing the executed copy to the clerk, Your Honor.

11                  **THE COURT:** All right.

12                  **DEPUTY CLERK:** I don't have the plea sheet.

13                  **MR. CRANE:** I apologize, here it is.

14                  **THE COURT:** Thank you. Now, the standard pretrial  
15 order that is used in criminal cases in this district will be  
16 filed electronically either this afternoon or in the morning.

17                  **MR. GLASSROTH:** Yes, sir.

18                  **THE COURT:** Since you are with the federal  
19 defender's office, I don't guess we need to worry about our  
20 policy regarding retained counsel in this district.

21                  **MR. GLASSROTH:** I'm in for the ride, Your Honor.

22                  **THE COURT:** Mr. Crane, do you have any idea -- I  
23 know this is just initial appearance and arraignment -- but  
24 when this case might be coming up for trial?

25                  **MR. CRANE:** I know that right this very week there

1 is an Albany trial term going on here just down the hall, but  
2 I don't have -- I've not yet marked next year's calendar, but  
3 will be in touch with Mr. Glassroth and ensure that it  
4 comports with the speedy trial date.

5 **THE COURT:** All right. I think we've completed the  
6 arraignment and initial appearance, and what we are about to  
7 do now, Mr. McCoy, is going to be a repeat of something  
8 similar that's already happened to you in the District of  
9 Minnesota.

10 Apparently because of your lack of criminal record  
11 and strong ties to the community, the office of the United  
12 States Attorney in this case is not moving for your pretrial  
13 detention. So you're going to -- I am going to enter an  
14 order that will supersede the order of the District of  
15 Minnesota since this is the district of the prosecution. It  
16 will be very similar. There might be some small changes.

17 I'm going to go over these conditions with you.  
18 Once you're out on pretrial release, I'm sure it was  
19 explained to you, but it's like being on probation, although  
20 you haven't been convicted, you will be supervised by a  
21 United States probation officer in the Middle District of  
22 Georgia, and if you abide by the terms and conditions as set  
23 out in this order setting the conditions of release there  
24 will be no problem, but should you violate those conditions,  
25 it could lead to a revocation hearing, the result of which

1 could be I revoke your pretrial release and modify the right.  
2 Do you understand that?

3 **THE DEFENDANT:** Yes, sir.

4 **THE COURT:** Okay. I'm going to go over these rules  
5 with you very briefly. You are not to commit any offense in  
6 violation of federal, state, or local law while on release in  
7 this case. A new arrest or a new charge would cause a  
8 revocation hearing. You are to immediately advise the court,  
9 and you can do that by advising the supervising probation  
10 officer, your attorney, Mr. Glassroth, and the office of the  
11 United States Attorney in writing before any change of your  
12 address or telephone number. You must be residing where you  
13 tell us you are.

14 And also, you are to appear at all proceedings as  
15 required, and you shall next appear in this court probably in  
16 front of Judge Sands, the district judge, who will be trying  
17 this court when notified to be here. Mr. Glassroth, of  
18 course, will notify you. When he tells you you need to be  
19 here, you need be here, okay. Should you fail to come  
20 without a very, very, very good excuse, like  
21 (*unintelligible*), it would result in the issuance of a bench  
22 warrant for your arrest and you could be charged with a new  
23 offense known as failure to appear if you didn't have an  
24 outstanding excuse, and then, if indicted and convicted of  
25 that offense, you would be receiving an additional period of

1 time in the custody of the Bureau of Prisons. Do you  
2 understand that?

3 **THE DEFENDANT:** Yes, sir. If I have to, I'll crawl  
4 here. If I can't crawl, I'll call somebody.

5 **THE COURT:** All right. Now, while you are on  
6 release you will be reporting to the U.S. Probation Office.  
7 Is it in St Paul or Minneapolis?

8 **THE DEFENDANT:** Minneapolis.

9 **THE COURT:** In Minneapolis?

10 **THE DEFENDANT:** Yes.

11 **THE COURT:** All right. I'm going to make a change  
12 on my order then. Okay. While you are on pretrial release,  
13 sir, you will be supervised by the U.S. Probation Office in  
14 Minneapolis, Minnesota, and you will report to that office as  
15 they direct you. Do you understand?

16 **THE DEFENDANT:** Yes, sir.

17 **THE COURT:** The pretrial services report indicates  
18 that you do not have a passport. While on pretrial release,  
19 you are not to obtain one.

20 **THE DEFENDANT:** No, I don't --

21 **THE COURT:** While you are on pretrial release your  
22 travel is going to be restricted to the District of Minnesota  
23 and the Middle District of Georgia, and what this means is  
24 you must obtain permission of the supervising probation  
25 officer to travel outside of either of those locations. Do

1 you see what I'm saying?

2                   **THE DEFENDANT:** If my mother dies, then I'd have to  
3 call is my understanding.

4                   **THE COURT:** And they will routinely give you  
5 permission. We routinely give people permission to travel  
6 outside the restricted area all the time, but get permission  
7 before you leave. And, of course, I cannot and would not  
8 interfere with your access to your attorney. If Mr.  
9 Glassroth needs you down here to do some planning in  
10 preparing your defense, I want you to let the probation know  
11 that you are coming to the Middle District of Georgia. Okay?

12                   **THE DEFENDANT:** Yes, sir. Except for financial  
13 it's --

14                   **THE COURT:** While you are on pretrial release, Mr.  
15 McCoy, you will not possess a firearm, explosive device, or  
16 other dangerous weapon.

17                   **THE DEFENDANT:** Dangerous weapon. I have a couple  
18 of swords and some -- air rifle and an air pistol. I don't  
19 know if those would count or not?

20                   **MR. GLASSROTH:** The air guns would not be  
21 considered firearms because they don't have the  
22 characteristics of the statute. I don't know about  
23 collectibles such -- I assume they're collectibles?

24                   **THE DEFENDANT:** The swords? Yes, well --

25                   **THE COURT:** Are they ceremonial or --

1                   **THE DEFENDANT:** No, no. They're decorative, but  
2 they are sharp, and they are usable, because I don't believe  
3 in having a knife or anything around that is not razor sharp.  
4 It seems to me to be too dangerous.

5                   **THE COURT:** When was the last time you used a sword  
6 on somebody?

7                   **THE DEFENDANT:** Never. I've never used a knife or  
8 anything on anybody.

9                   **THE COURT:** Mr. Crane, does that bother you  
10 particularly?

11                  **MR. CRANE:** No. I believe that given those  
12 circumstances those wouldn't be considered dangerous under  
13 these circumstances, Your Honor.

14                  **THE COURT:** All right. I'll let you keep your  
15 swords and your air pistols. You are to refrain from the  
16 excessive use of alcohol while you are on pretrial release.

17                  **THE DEFENDANT:** I have a beer about once a year.

18                  **THE COURT:** And you are to report as soon as  
19 possible to the pretrial services office or the supervising  
20 U.S. Probation Office any contact with law enforcement  
21 personnel, including but not limited to any arrest,  
22 questioning, or traffic stop. Now, if you happen to know a  
23 police officer and you and he are friends and he says good  
24 morning to you, that is not contact by a law enforcement  
25 officer. But if they become interested in you because of

1 something you did or they think you did and they are police  
2 officers, you've got to report that.

3                   **THE DEFENDANT:** I have a question on that. If I  
4 need to contact a police officer because I think there's  
5 something wrong being done, does that count or not?

6                   **THE COURT:** No, you don't have to report -- well, I  
7 think you probably ought to let your probation officer in  
8 Minnesota know, but that's not -- if you need -- by all  
9 means, if you need the assistance of law enforcement, there's  
10 nothing in this order that has been designed or intended to  
11 keep you from being able to call on one.

12                   **THE DEFENDANT:** I know that. I just wondered about  
13 the report.

14                   **THE COURT:** Well, I'd say on the safe side I'd let  
15 your probation officer know, but that's -- your calling the  
16 police because you need them is different than them  
17 questioning you about your whereabouts between midnight and  
18 four AM on Wednesday night.

19                   You will cooperate fully with the supervising U.S.  
20 Probation officer and abide by all of their rules and  
21 regulations. And because of the nature of the offense  
22 outlined in the indictment, Mr. McCoy, I am going to require  
23 that you will not possess or have under your control any  
24 material that contains sexually explicit conduct or any child  
25 pornography as defined in 18 United States Code Section 2256.

1 This includes, but is not limited to any matter obtained  
2 through access to any computer or any material linked to  
3 computer access or use.

4 Further, you shall not own, possess, or use a  
5 computer or any device with a modem during your period of  
6 release without permission of the supervising United States  
7 probation officer. Do you understand all of that, sir?

8 **MR. GLASSROTH:** Your Honor, am I clear in  
9 understanding that he is prohibited from using any computer  
10 without prior approval of probation?

11 **THE COURT:** Any computer that's hooked to a modem.

12 **MR. GLASSROTH:** Okay. For example, and I was  
13 explaining this to Mr. Crane, given the distance that we have  
14 from my office to his residence, I envision that there's  
15 going to be a significant need to be able to communicate  
16 electronically. That's going to require the ability for him  
17 to communicate. Does that need to be established prior to  
18 anything to do --

19 **THE COURT:** Mr. Glassroth, obviously I cannot and  
20 do not want to do anything to interfere with your need to  
21 prepare your client's defense and to represent him fully, but  
22 given the nature of the allegations contained in the  
23 indictment, and I realize this man has not been convicted,  
24 this is a pretty standard condition we use on things of that  
25 nature. Let's start by getting permission before you contact

1 him. If this becomes onerous, we will address it again. I  
2 see both sides. I see a need to restrict his use from  
3 computers, but I cannot interfere with your ability to  
4 represent your client.

5 **MR. GLASSROTH:** Sure.

6 **MR. CRANE:** Your Honor, can I just suggest  
7 something? Mr. Glassroth and I did speak about this earlier.  
8 What if the Court makes the condition that he may have access  
9 to a computer with a modem solely for purposes of contacting  
10 his attorney for purposes of legal representation, and if the  
11 Court and this probation officer give him such permission  
12 today, I have no objection to his using a computer e-mailing  
13 documents back and forth, but if he is out there surfing the  
14 net and looking for other things, the temptation to engage in  
15 illegal activities --

16 **MR. GLASSROTH:** Your Honor, the District of  
17 Minnesota imposed an additional condition which may solve  
18 what the Court is concerned about, and that was -- I don't  
19 know if the Court has a copy of the release order entered by  
20 the district. But Condition Q required that he not engage in  
21 any computer activity alleged in the indictment, which I  
22 think is exactly what we're talking about. This is unusual  
23 because we're not talking about an image case. This is a  
24 text case. So it's not the same kind of thing that would  
25 normally create the high degree of concern for all. I can

1 envision other means because of the nature of the offense  
2 alleged in the indictment, it's going to be necessary for Mr.  
3 McCoy and myself to be able to not only communicate over the  
4 Internet, but to perhaps do certain types of research in  
5 preparation for motions which may be filed having to do with  
6 the case and other things, and by not allowing him to have  
7 access to those things, I think it hampers him and hampers me  
8 as well. So I understand the Court's concern, and I think  
9 the condition as entered in the District of Minnesota that he  
10 not engage in any sort of computer activity as alleged in the  
11 indictment would take care of it.

12                   **THE COURT:** Well, I was just writing an exception  
13 while we were talking that he may communicate with his  
14 attorney electronically for trial preparation, including  
15 legal research. But let's make sure it's legal research and  
16 not -- and, again, I realize this man has not been convicted.  
17 I don't want him doing pornographic research.

18                   **MR. GLASSROTH:** And that's not the case, Your  
19 Honor, and this has never been about images.

20                   **THE COURT:** Right.

21                   **MR. GLASSROTH:** This has been about expression and  
22 there are First Amendment implications to some of this, and  
23 that's why we need to be able to deal with those kinds of  
24 things.

25                   **THE COURT:** Do you understand all of that, Mr.

1 McCoy?

2           **THE DEFENDANT:** Yes, but --

3           **MR. GLASSROTH:** May I have a moment, Your Honor?

4           **THE COURT:** Sure.

5           **MR. GLASSROTH:** Your Honor, after conferring with  
6 Mr. McCoy he has one other concern, and that is his ability  
7 to communicate with others who are interested and who are  
8 assisting in various ways through electronic messages, and  
9 that would be email, not Internet, not surfing, not  
10 pornography, but these are perfectly standard communications  
11 that individuals have, and he advises me Use-Net --

12           **THE DEFENDANT:** Use-Net News Groups. It's pure  
13 text.

14           **THE COURT:** Pure text is what got you in trouble.

15           **THE DEFENDANT:** Yes, but there are news groups that  
16 do deal with sex and whatnot. The ones I would refrain -- I  
17 would refrain from any of the ones that deal with any sex  
18 stories or anything like that.

19           **THE COURT:** Well, I think we need to leave it like  
20 it is right now and for this reason is. We can fine tune  
21 this if we need to. We're trying desperately to get this man  
22 out of here today so he doesn't have to spend the night in  
23 the Dougherty County Jail. The marshal is buying the bus  
24 ticket for him.

25           **MR. GLASSROTH:** Very good. Your Honor, if

1 necessary, I will return to the court and ask for a  
2 modification of conditions.

3 **THE COURT:** We can fine tune this, but, I mean,  
4 apparently it sounds to me like he's wanting to do some sort  
5 of sex news research.

6 **THE DEFENDANT:** No, no, no.

7 **MR. GLASSROTH:** No, no.

8 **THE DEFENDANT:** No, no, no.

9 **THE COURT:** That's what got him in trouble.

10 **MR. GLASSROTH:** No, that's not it. It's  
11 communicating in user groups. He said he would refrain from  
12 going to any of those other things.

13 **THE COURT:** Okay.

14 **MR. GLASSROTH:** But, Your Honor, as needed, if  
15 needed, I will return for modification.

16 **THE COURT:** Contact me, and you and Mr. Crane and I  
17 and Ms. Willis may get our heads together and come up with a  
18 workable plan.

19 **MR. GLASSROTH:** Yes, sir.

20 **THE COURT:** But, Mr. McCoy, the one remaining thing  
21 I need to tell you that you were probably told in Minneapolis  
22 is that it is a very serious federal offense for you to do  
23 anything that would be in the nature of threatening or  
24 intimidating or harming anybody who may be a witness against  
25 you in this matter or for the U.S. Attorney's Office to

1 present evidence of you having done that in a revocation  
2 hearing, I can almost guarantee you your pretrial release  
3 would be revoked. More importantly, you could be indicted  
4 for a new criminal offense, and if convicted, then you're  
5 looking at a great deal of time in the custody of the Bureau  
6 of Prisons.

7 So I'm going to follow the recommendation of the  
8 United States Attorney and United States Probation in this  
9 case and authorize your release from custody when you execute  
10 an unsecured bond in favor of the United States of America in  
11 the sum of \$25,000.

12 Mr. Glassroth, unfortunately, if we can't get him  
13 on a bus, his choices for tonight are on the streets, which I  
14 don't recommend, or he would have to spend the night in the  
15 Dougherty County jail. And I realize by releasing him on an  
16 unsecured bond it would be more in the nature of protective  
17 custody to keep him out of the elements for one night.

18 The order that I have entered directing the  
19 marshals to purchase a bus ticket for his return also  
20 requires them to transport him from the Dougherty County Jail  
21 to the bus terminal tomorrow in time for him to catch the  
22 bus. Now, I'm reluctant to do that, but I was advised by, I  
23 believe, Ms. Sanders who may have learned it from Mr. Jarrard  
24 that the bus departs at 3:20 or 3:25.

25 **MR. GLASSROTH:** 3:20.

1                   **THE COURT:** And it's 3:05 now.

2                   **MR. GLASSROTH:** I've got his bag in the back my car  
3 parked around the corner. We are going to leave from here  
4 directly --

5                   **THE COURT:** Well, the marshals have got to  
6 fingerprint him first.

7                   **MR. GLASSROTH:** Oh, okay, they've got to process  
8 him?

9                   **THE COURT:** They did the processing -- most of the  
10 processing has been done in Minnesota, but Deputy Marshal  
11 Crosby said he had to process him.

12                  **MR. GLASSROTH:** Okay, there's no way he'll make the  
13 bus then.

14                  **THE COURT:** I don't know if there's any possibility  
15 of having him processed in Minnesota and the fingerprint card  
16 send down. I'm not trying to keep him in custody overnight,  
17 but --

18                  **MR. GLASSROTH:** But, Your Honor, the order that was  
19 entered in the District of Minnesota also called for  
20 subsistence for him as part of this transit to and from. I  
21 don't think he should be incarcerated in the jail. I think  
22 subsistence would mean putting him somewhere overnight that  
23 is something other than a facility since he is entitled to  
24 release since the court did an order for subsistence. A  
25 cheap motel is likely to be the alternative to that, Your

1 Honor. The only reason he would be held is because he has no  
2 money, and I think that that's just an awful thing to do for  
3 someone because they're indigent.

4 **THE COURT:** Well, Mr. Glassroth, I've already  
5 acknowledge to you, sir, that I'm sending him to jail to be  
6 cruel to him.

7 **MR. GLASSROTH:** I realize that, and I realize it's  
8 a matter of safety.

9 **THE COURT:** But I have never ordered the marshals  
10 to put somebody up in a motel before.

11 **MR. GLASSROTH:** Well, under the statute that's one  
12 of the things that's part of subsistence. If he needs  
13 housing for a night, he is entitled to that subsistence under  
14 -- I have the specific code section. I think it's 4262. If  
15 you'll give me one moment, I can give you the exact cite.  
16 It's 4285, 18 U.S.C. Section 4285.

17 **THE COURT:** How much is a day's subsistence, Mr.  
18 Glassroth?

19 **MR. GLASSROTH:** I couldn't tell you, Your Honor. I  
20 would imagine that the marshals would have that information.

21 **THE COURT:** Well, the statute does provide for it.

22 **MR. GLASSROTH:** In the order that was entered, I  
23 don't know if the Court has a copy of -- I believe I have a  
24 copy of the order from the --

25 **THE COURT:** I don't know that the district -- can

1 the district court in Minnesota order the district court and  
2 the U.S. Marshal's office in Albany, Georgia to pay  
3 subsistence?

4 **MR. GLASSROTH:** Your Honor, I believe, if you look  
5 at the statute, if it's required to transport anywhere to any  
6 district -- and I don't know how the budget thing would work.  
7 It might come out of the budget of the marshal in the  
8 District of Minnesota. That's sort of the internal stuff  
9 that neither the Court nor I would be getting into. But I  
10 only have a copy of the order entered by Judge Graham in the  
11 District of Minnesota, and I'll provide my copy to the clerk  
12 for the Court to take a look at. And, Your Honor, I don't  
13 know if subsistence means the same thing as what we would  
14 call per diem, but that would be what I would suggest as the  
15 amount of what subsistence would be for whatever the per diem  
16 rate would be for the Albany Division.

17 **THE COURT:** Mr. McCoy, how much money do you have  
18 on you?

19 **THE DEFENDANT:** I think I have about close to \$200,  
20 I think. I didn't want to get caught down here and not be  
21 able to take a bus if I had to, and I borrowed money to get  
22 it. I borrowed money on a credit card so that I'd have money  
23 to --

24 **THE COURT:** Well, doesn't that resolve it, Mr.  
25 Glassroth?

1                   **MR. GLASSROTH:** Well, Your Honor, I think the order  
2 says that he's required -- if he borrowed money on a credit  
3 card, that doesn't change the fact that he's indigent as  
4 found by the District of Minnesota. And obviously, he's got  
5 financial obligations. If you look at what his source of  
6 income is, he's on social security of about \$1400 per month  
7 -- close to \$1500 per month.

8                   **THE COURT:** Mr. Crosby tells me that these funds  
9 will have to come out of Macon, and they don't write checks.

10                  **DEPUTY MARSHAL:** We don't have checks here.

11                  **THE COURT:** Now, can you rent him the room, and  
12 we'll you reimburse you?

13                  **MR. GLASSROTH:** I probably could.

14                  **THE COURT:** Well, I mean, I don't know how we work  
15 this out, but you're right, the statute says that we --

16                  **THE DEFENDANT:** I do have -- I don't have much  
17 money, but I have my bills all paid because that's the way --  
18 I had to drop my health insurance, but I keep my bills paid  
19 so I have very good credit, and I can put it all on the  
20 credit card and if somebody could say that I'll get it back,  
21 it would be --

22                  **THE COURT:** Well, I plan to order the marshals in  
23 compliance with this statute to pay him one day's subsistence  
24 because the statute contemplates it. I told Steve Sparks I  
25 wasn't going to do it, but it's been a while since I've ready

1 this statute and it appears -- so, Mr. McCoy, I'm going to do  
2 everything I can to get you reimbursed.

3 *(Discussion Aside and Proceedings Concluded)*

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5 ***I HEREBY CERTIFY THAT THE FOREGOING IS A CORRECT***  
6 ***TRANSCRIPT FROM THE AUDIO RECORDING OF PROCEEDINGS IN THE***  
7 ***ABOVE-ENTITLED MATTER TO THE BEST OF MY ABILITY THIS 21st DAY***  
***OF NOVEMBER, 2013.***

8

**TRANSCRIBER:**

9

***s/SALLY L. GRAY, USCR,***  
***U.S. DISTRICT COURT/GAMD***

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